

THE WEEKLY CLARION.

To Mr. Chris. Hinkle, of this city, now on a visit to Burlington, Iowa, we are indebted for a fine batch of Northern and Western papers.

PARDONED.—It will be seen by a list published elsewhere, that Joseph E. Davis, the venerable brother of our ex-Confederate President, has been pardoned by President Johnson.

Dr. Cole and son, confined in Quitman jail on a charge of murder, have applied to Judge Hancock for a writ of Habeas Corpus which has been granted returnable on the 27th inst. at Quitman.

A stray shot fired in Meridian a few nights since by some unknown person, came very near killing a little girl daughter of Mr. Tiner at that place. The ball struck the child on the head but glanced, inflicting a slight but not dangerous wound.

Mr. Geo. Shedd has been appointed City Weigher of Meridian.

The Handsborough (Miss.) Democrat, of the 1st inst., says:

A freedman accidentally shot himself at Pass Christian on Wednesday last. The whole load was lodged in his breast. He died in a few minutes.

A sensational reporter, in giving a New York paper an account of a burglary committed at Chicago, commences:

"A sage of antiquity propounded the suggestive interrogatory, 'What is the chief end of man?' The responses have been as various and dissimilar as the types of character from whence they emanate."

After this his salary should have been doubled at least.

The Inspector of Schools and Finances of the Freedmen's Bureau has made his semi-annual report of the condition of the freedmen's schools in the United States. The total number, exclusive of night, Sabbath and private schools, in the districts of the Bureau, is 975. The number of teachers employed is 1,405, and the number of pupils receiving tuition is 90,778. The State of Virginia is in advance of all the others in freedmen's schools, having 123 schools, 200 teachers and 11,784 scholars.

In the Powder river country and the vicinity of Fort Reno, the Indians have become hostile and killed a good many people. The U. S. troops are not strong enough to protect the country, and the citizens are greatly alarmed.

General Fullerton has tendered his resignation as an officer in the army, and proposes to resume the practice of law in St. Louis, Missouri.

WHY NEGROES SHOULD NOT VOTE. Senator Doolittle, on the 7th inst., laid over at Buffalo, and in the course of a speech was severely criticizing the Constitutional Amendment fixing representation upon voters, when he was asked: "Why should not the negroes vote?" To which question the Senator responded:

The reason why they should not vote, is simply this: In the Southern States there is a mass of colored population, among which nine-tenths of the men have no sense of family or family ties, and where the women have no sense of virtue, and the man who would build the foundation of human society upon a population like that knows nothing of republican government. I say, to base suffrage on the negro population of the South, in their present condition, would make a burlesque of republican institutions, and we ourselves would be the laughing stock of the world.

INFORMATION WASTED.—Thomas J. Renick, belonging to Co. H., 34th Mississippi regiment, was captured during the late campaign under Gen. Bragg, and carried to the hospital at Mumfordsville, Kentucky, some time in the fall of 1862. He being sick and unable to travel, was paroled there by the Federal commander. Since which time nothing has been heard from him.

Any information concerning his whereabouts, whether dead or living, will be thankfully received by his father, Jas. T. Renick, Ripley, Miss.

AN ANNOUNCEMENT.—A doctor late informed his friends, in a large company that he had been eight days in "it." "Yes," said one of the party, "it has been announced in 'it.'" "Ah," said the doctor, "his neck is important, 'pray pray.'" "Well, as well as I," said the doctor, "I have been in the following:—I was last week thirty-seven years old, and the week before."

AT CANTON.—We learn by evening a man by the name of killed by the Town.

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The Gift Concert for the Relief of the Suffering Poor of Alabama.

Some very benevolent gentlemen of the city of Cincinnati deeply afflicted at the sufferings of the poor of Alabama, have generously resolved to make them a present of \$75,000. As none of these gentlemen happened to have that amount of cash convenient, they brought themselves of a plan by which it might be obtained. And this was to go to Louisville, establish a Lottery concern and sell 75,000 tickets to a gift concert for one dollar each.

Lists of prizes were published and it is really astonishing in these mercenary days to see what liberal gifts were to be awarded to the purchasers of tickets. The Havana, the Kentucky, the Alabama State schemes pale into insignificance. There were positively no blanks to be sold, every purchaser of a ticket was to draw a prize. With all these rare inducements, the money received was to be put in the hands of Gov. R. M. Patton, of Alabama, for distribution.

But the world is suspicious, and some doubt addressed Gov. Patton a letter of inquiry. It seems Gov. P. is somewhat of a skeptic and appears to entertain an unbecoming prejudice against such benevolent undertakings for he replied that the whole scheme was originated without his concurrence or request, and by strangers to him and the State of Alabama. He further volunteered the information that he did not desire for the destitute of Alabama any participation in money raised by a lottery scheme.

This letter, with other suspicious circumstances, came to the knowledge of the police and from a belief that the concern was bogus several persons were arrested.

One Capt. Saml. Wiedman, J. B. Williamson and their associates thus became the victims of circumstances, and on investigation were held to bail to answer the Commonwealth of Kentucky on a charge of swindling.

This interference will no doubt have a tendency to dispel the flattering hopes of brilliant prizes entertained by those who have invested for the relief of the suffering poor of Alabama.

Those prize concert swindles are becoming so common and make such extravagant pretensions, that it is really surprising any one should be deceived by them. They advertise for the sale of hundreds of thousands of tickets, as a matter of course the tickets cannot be sold and the concern collapses. The papers are not even paid for their advertisements, while all the money these rascals take in is clear profit. We advise the public to have nothing to do with them.

How to be Prosperous.

The Richmond Enquirer, in an article on the changes that have been effected by the war, and the necessity that exists for greater economy, remarks:

"All these things must be changed now. A pump at the door—a dairy in the yard—a kitchen under the same roof—a cooking stove instead of a fire-place built to hold a half-cord—seasoned fuel, sawed and split and placed under convenient shelter—a washing machine instead of a washing-tub—these and other conveniences supplied to our farmer's wives would enable them to manage their domestic affairs with one-fourth the former number of servants and with more ease and comfort. As servants are not to be had in past supply, these economical expedients become absolutely necessary; and every husband worthy the name will take care to supply them without waiting until the ladies are worn down in the attempt to conduct their household operations after the former manner with the few domestics now at command."

We think these suggestions practical, and that such ideas must be carried out to make the South prosperous. One of the great obstacles to improvement, when slavery existed, was that every pursuit was neglected for the cultivation of cotton. We need a varied industry, by which manufactures, mechanics and the arts will flourish. Machinery must take the place of labor, wherever practicable, and we should not hesitate to avail ourselves of any improvements of this kind, initiated by Yankee ingenuity.

MISSISSIPPIANS PARDONED.—Pardons were yesterday received by Governor Humphreys, from Washington, for the following parties:

George M. Lusher, Chickasaw county.
D. Love, Columbus.
W. H. Smith, Lafayette county.
T. C. Lyon, Chickasaw.
Chas. B. New, Jefferson.
John McIntosh, Chickasaw.
H. H. Brinker, " "
Joseph E. Davis, Warren.

We have received the first number of the Mobile Daily Gazette, a very sprightly paper just commenced in that city, by Hays, Ellison & Co. The number before us, is neatly printed and well-filled with original and selected matter.

Hon. Wm. L. Sharkey.

We are permitted to make the following extract from a private letter to a friend in this city, from Judge Sharkey, dated Washington, Aug. 20th:

"I am delighted to hear that the action of the Philadelphia Convention is so acceptable to the people. It is producing great enthusiasm here, and, from present appearances, will sweep over the land like a prairie fire. My opinion from the first was that it was the only thing that could save the Government. The President is now clinching the nail in his trip to Chicago.

You ask me to go and talk to your great-grand-mother, Pennsylvania. A strange coincidence, that just at the time I received your letter, Gen. — from Pennsylvania, was importuning me most earnestly to make only six speeches in his State. I did not promise positively. I am very reluctant to engage in public speaking, as I never attempt it without feeling great embarrassment, and will avoid it if I can. I wished very much to be at home in October, and still hope to be. My wife has been in bad health and is so yet. It was on that account I was kept from witnessing the proceedings of the great convention."

The Memphis and Charleston Railroad.

We find in the Memphis Appeal extracts from the report of Superintendent Ross which give the history of this road during the war and its present condition. It appears that on the 11th of April 1862, the United States authorities took possession of the road from Tusculum to Stephenson, capturing eighteen locomotives, one hundred freight cars, a number of passenger and baggage cars, the Huntsville shop tools, and material. On the 20th of May the Confederate forces evacuated Corinth and ordered all the machinery and rolling stock carried South by the Mobile and Ohio, and Miss. Central Railroads.

A subsequent order located the machinery and rolling stock at Marion station, on the Mobile and Ohio railroad, five miles North of Meridian, Miss., at which place they erected a temporary shop, and commenced the repairs of engines and cars, and continued until June, 1863, during which time military requisitions were made, and the stock taken and distributed on the Southern and Selma and Meridian railroads. In July and August following, all the stock, machinery, tools, etc., remaining at Marion station—nineteen locomotives and about eighty-three cars—freight, passenger and baggage—were, by order of Gen. Pemberton, removed to Montgomery, Ala., via Mobile, incurring large transportation of twenty miles. After the arrival at Montgomery, the quartermaster-general of the Confederate States army transportation distributed all the stock, except about six passenger cars, on various roads south, where it remained until the close of the war, as well as that distributed at Marion station. The passenger stock, tools and materials remaining at Montgomery, Ala., were all destroyed by Gen. Wilson's United States forces. A large amount of the stock on the different roads in North and South Carolina and Georgia, was burned and destroyed by the United States forces under Gen. Sherman.

Part of the road was placed in possession of the company last July, and on the 15th of that month, the rebuilding of bridges and trestles on that part of the road between Pocomah and Corinth commenced. Trains ran through from Memphis to Corinth on the 24th August. On the 11th September, the whole road was given up to the company—repairs commenced on that portion of the road between Iuka and Decatur, seventy-one miles, every bridge and trestle of which was to be rebuilt, and a portion of forty miles burnt track to relay, the work was completed, and trains run through to Decatur on the 6th November. This enabled the company to operate the whole of their road by transferring freight and passengers across the Tennessee river at Decatur, by steamboat. Since then, two first-class iron bridges have been constructed, one across Big Bear creek, of two spans 156 feet each, and one across the Tennessee river, at Decatur, ten spans, each 140 feet. The net earnings of the road from the 6th November to July last, were over \$600,000. These results are most gratifying to the friends of the road, and reflect great credit on its management.

We are under obligations to Mr. Kells, the obliging agent of the National Express and Transportation Company for late Memphis and Northern papers.

We have received the September number of DeBow's Review, and find it filled with instructive and entertaining reading matter, which is highly creditable to its editorial department. It deserves a liberal support from the Southern people, and should have a more extended circulation. The Southern office for the Review, is Nashville; the Northern office, at New York. The subscription price is six dollars, and may be sent to either office.

The Rev. Mr. Jackson and Messrs. Wallace & Co. of New Orleans.

The New Orleans Christian Advocate, a periodical, hypocritical, lying, radical sheet, published in New Orleans, denounces Mr. Gardner of the house of Wallace & Co., for presenting a hat to the Rev. Mr. Jackson, one of the editors of that paper.

It appears that the Reverend Jackson attended the attempted meeting of the bogus convention at Mechanics' Institute, and during the tumult that followed lost his hat and was also a little hurt in other respects. Being about to leave for the North, and his finances somewhat dilapidated, his reverence sent one of his co-laborers through the streets for the purpose of begging, who hearing that there were Northern men connected with the house of Wallace & Co., the largest wholesale establishment in the city, gave them a call. The case of Mr. Jackson was stated, his many sufferings and misfortunes enumerated, and a strong appeal made to the charity of the firm. He was referred to Mr. Gardner, who in turn referred him to Mr. Baldwin, with the remark that he would probably make him a present of the article desired. This gentleman was not so, so the individual concluded to call again. The following extract from the columns of the Advocate gives the result of his succeeding visit:

When he next called, both of the above named gentlemen were in the office. The matter was stated to Mr. Baldwin, who, as he passed up stairs, said, that Mr. Gardner would attend to it. The latter gentleman was very kindly engaged in writing, and requested the caller to wait a moment.

The letter, for this it would be a pity to write, was finally completed, which after waiting and directing, he handed to the friend, together with a hat box, which he had been waiting for delivery.

On reaching the house of this gentleman, and opening the box, it was found to contain an old second hand summer hat, with some black material around it. The letter was then opened and found to contain the long common production given below.

Had they not desired to have granted the little favor requested, they could easily have declined doing so. But no; this was altogether too favorable an opportunity to be lost. The letter, expressing their hatred towards a "Yankee," they tore over his head, and their sorrow that he was not killed.

The letter is here emphasized as in the original:

NEW ORLEANS, Aug. 25, '66.

Rev. Mr. Jackson: Sub. Lavenwood presents his compliments, and begs your acceptance of a hat!

This hat has been worn most dear and revered Sir, in the Athens of America—Yea even at the "Club" itself. It is an old hat, Brother Jackson. (Here follows a portion too obscene for publication.) The color is white and may be objectionable on that account, but it is hoped it won't be a serious difficulty. A change of pasture is a good thing, and I hope you will find it so. It has mourning on it already, and this is a happy coincidence, for you, Sir, and Bro. Newman have much to mourn over. Wear the mourning for Doolittle and the negroes out folly murdered, and when you reach home and tell the story of your wear, don't forget the legend of this old hat, craps and all. Sub. is sorry you mislaid your hat on the great convention day—is sorry you have been only "soured"—is sorry to hear you propose abandoning New Orleans to its wickedness and the mercy of the rebels. With you and Bro. Newman both away, Sub. will loudly exhort the town to sink into hell, but he hopes that your prayer will still be for us.

Brother Jackson, farewell.

An old gentleman living in the interior of Mississippi, some years ago, sent his son to New Orleans to accept a mercantile situation offered him. He was a youth of high moral character, and his father took great pains to acquaint him with the fact that vice, in its most attractive garb, would surround him constantly. "But," said he, "remember, my son, that your religion will carry you through safely. Only resist the temptation to do wrong and you will not fail to reach heaven at last; and the man who goes to heaven by way of New Orleans deserves the highest reward of the righteous."

The honest old gentleman's opinion in regard to the corruption, vice, crime, etc., of New Orleans, was not a very favorable one for the side of the Crescent City, filled as it was and is by people from every section. And yet, with all its dens of iniquity, its gambling houses, and other places where reprobates of evil are perpetrated in darkness, New Orleans has within her limits less of that crime which startles the sense and makes us shudder than many places of less note in a colder climate. We have never had a Probst to shock the community by the perpetration of a crime that almost makes one believe the wretch was not a human being.

The murder of whole families in villages and towns North and Northwest have become almost as common as single homicides were in former years; but it is a gratifying fact that the mania for taking life has not broken out here, where so many could be spared and not be missed. New Orleans never was cursed with a Newton Champion, whose notoriety as a fiend is becoming widespread. The stupendous fraud which was so artistically accomplished by Ketchum has not its parallel in this wicked city.

We do not whip children to death here because they cannot or will not say prayers when they are only two years old. Indeed there are several degrees of crime which have never yet been reached by the people of this highly immoral place; not because they are no better than other people, but because, probably, the devil has found more suitable materials elsewhere to make his tools of. The old gentleman who thought it a "big thing" to go to heaven by way of New Orleans, would think differently were he living now, and had a chance to read some of our Northern exchanges.—Piscayne.

DECISIONS OF THE HIGH COURT.

ERRORS AND APPEALS.

AT THE APRIL TERM, 1866.

Reported Expressly for the Clarion.
D. H. Baugh
B. F. H. Lamb.

Error to the Circuit Court of Rankin.

ROSE, W. L. BARRIS, ASSOCIATE JUDGE, DELIVERED THE OPINION OF THE COURT.

By an act of Congress United States, passed the 27th September, 1850, to enable the State of Arkansas, and other States, including this State, to reclaim the swamp lands within their limits by levees and drains, to be by them constructed—the whole of the swamp and overflowed lands within their limits for cultivation, which remained unsold at the passage of that act, were thereby granted to those States respectively, subject to the disposal of the Legislatures thereof, upon the express condition that the proceeds of said lands, whether from sale or by direct appropriation in kind, should be applied exclusively, as far as necessary, to the purpose of reclaiming said lands, by means of the levees and drains as aforesaid. See Act R. code p. 827.

By the act of the Legislature of this State, passed on the 10th March, 1852, p. 33, these lands were granted, with partial exceptions, to the counties in which they were situated, subject to the condition that the same should be styled Commissioners of Swamp Lands, who should give bond payable to the State of Mississippi, to be approved by the judge of probate of such counties respectively, and after being received, to be filed in the Secretary of State's office, conditioned for the faithful application of said lands, or the proceeds of the sale of the same, to the purposes for which they were granted, and the levying of all funds and claims due into their hands, arising from, or connected with, the disposal of said swamp lands.

The 3d section provided, That, after the execution of the bond aforesaid, the Secretary of State should forthwith cause the statement of the number of acres of said lands, in their respective counties, and the commissioners are by said act authorized to sell the surplus for cash or dispose of it in payment for labor, as a price not less than fifty cents per acre, and to apply the said funds, or direct the labor, to the reclamation of said lands by leveeing or draining them, etc.

By the 6th section of the act, p. 33, These commissioners are made capable of suing and being sued in their capacity of Commissioners of Swamp Lands, in all matters pertaining to the duties devolved on them by this act, or any contracts growing out of the same. And by the 4th section of the same act, the holder of said swamp lands is authorized to locate it on said lands, in the county designated and a patent was to issue.

In the case before us, the plaintiff purchased scrip for two hundred acres of land in this county, and claims to be the owner of the title thereto, under the act to which we have referred, by location and compliance with the provisions of the act 10th March, 1852.

This action is brought by him against the defendant, as "an swamp land commissioner." The declaration avers that defendant, on the day of December, 1857, appointed by the Board of Police of Rankin county, "Swamp Land Commissioner," and proceeded to perform the duties of said office. That plaintiff is the legal owner of certain tracts or parcels of the swamp and overflowed land, embraced in the act of Congress, and the act of the State Legislature referred to (describing the same), under and by virtue of the provisions of said acts. "That said land so owned by him" is and was susceptible of cultivation on the 24th February, 1859, and that on that day he was entitled to receive from defendant, the sum of one hundred dollars, being fifty cents per acre of the money arising from a sale of said land. That defendant refused to pay on demand made by him, and asks judgment against defendant, as such commissioner for said sum, etc.

To this declaration defendant demurred, and the demurrer was sustained, with leave to amend; and the plaintiff filed his amended declaration against defendant as swamp land commissioner, and averring his appointment by the board of police, and in the original declaration. But he alleges that defendant wilfully neglected and refused to execute the bond required by the statute, and proceeded to receive the scrip and money belonging to said fund, and to sell the same, and to apply the same to the reclamation of said land, and to the benefit of plaintiff, did not do so but wilfully refused, etc. But retained said money and applied it to his own use, by leasing the same at ten per cent per annum.

Plaintiff then avers that by defendant's refusal to perform his duty in this respect, he was entitled to direct and drain said land himself, which he did, making it susceptible of cultivation, wherefore an action has accrued to him to have and recover the sum of one hundred dollars, with interest, from the day the labor was completed. He states that by reason of defendant's failure to execute the bond required by law, he is compelled to bring his suit on an account for labor, filed as exhibit A to both the original and amended complaints.

To this declaration the defendant also demurred and the demurrer was sustained and judgment final rendered against the Plaintiff.

The ruling of the court on the demurrer to the original and amended declarations constrains the errors complained of here.

Testing these declarations by any known rules of pleading, whether statutory or at common law, it would be perhaps difficult to determine either what form of action the pleader intended to adopt, or what was the cause of action upon which he designed to base his right of recovery.

In the conclusion of the amended declaration the pleader says, "that by reason of the defendant's failure to execute his bond as commissioner, plaintiff is compelled to bring his suit on an account for labor," filed as exhibit A to both the original and amended complaints. In one of the briefs filed for plaintiff, it is said by counsel, that the cause of the demurrer to the amended declaration, that it may be regarded as five, alone, "plaintiff does not sue on any special contract, but for a breach of official duty, in a matter in which he has personal interest, and such breach is expressly charged and not paying plaintiff for doing it himself or not paying back to plaintiff as his share of the swamp land funds, the whole amount he paid for his scrip, as so much money, he was entitled by law to have applied to the leveeing and draining of his particular land, (all of which views have more or less prominence in this declaration) in neither view, is it legally possible to maintain this action upon the facts here appearing.

The plaintiff's hope of recovery, seems to

be based upon the idea that each purchaser of scrip locating his land and receiving title thereto under the act of 1852, acquired with the land the right to have the money paid by him for the scrip expended towards reclaiming his particular land, or paid to him if he reclaimed it himself, and this seems to be the foundation of the breach of official duty, or the implied contract relied on for a recovery here.

This is an entire misconception of the rights of the land owners as well as of the duty and obligation of the commissioner under this act. It does not contemplate an application of the fund for special private advantage, but for the general good of the country, section or neighborhood in which the land is situated. It contemplates a system, established by the original act, granting the land to the State. This act of Congress was designed "to enable the State to construct necessary levees and drains to reclaim the swamp and overflowed lands therein," and grant a title upon such conditions. The duty of the commissioner imposed by the act of the Legislature was public and general—not private or special. The defendant was not bound as alleged, to appropriate the money received from plaintiffs scrip, to draining and ditching plaintiff's land for his benefit alone, and without regard to the object intended by this original grant. Nor was he bound to appropriate said fund to the payment of plaintiff, for any labor, which plaintiff voluntarily—without defendant's authority—expended on his own land.

We do not question the correctness of the doctrine held in the case of Brown vs. Lester, 18th & M., page 324, and other cases cited to the same effect—that public officers are liable for omission or breach of public duty, involving private injury. They correctly state an old and familiar rule. But in this case the declaration wholly fails to present such a case. The allegation of the declaration relied on, in the argument of counsel, is, that the defendant did not appropriate the money received by him from plaintiff for land scrip, "to ditching and draining his land for the benefit of plaintiff." This was not the defendant's legal duty. His duty was to reclaim the swamp and overflowed lands in his county, generally, "by leveeing and draining them, and to appropriate the same, as far as necessary, to the purpose of reclaiming said lands, by means of the levees and drains as aforesaid, for the accomplishment of the general purpose.

Plaintiff has no right therefore to complain that the money he paid for his scrip was not appropriated to the reclamation of his land.

Both the original and amended declarations wholly fail to state any cause of action, and the demurrers were therefore properly sustained. Let the judgment be affirmed.

SPEECH

Of Hon. Wm. H. Seward at Niagara Falls, September 1, 1866.

Fellow Citizens.—Although we are on the verge of the State of New York, I am sure that even here I can call you neighbors. You do not want a speech from me. (Yes, yes.) If you do, it is only to get up a quarrel between the President of the United States and myself, for I shall have to tell you that, after the clear and loud exposition of the policy of the government, which may be called his policy, or "our policy," since Abraham Lincoln commenced it, and it has been carried out since the inauguration of Andrew Johnson, after the exposition he himself has given of it, I want to know, in God's name, what use he has for a Secretary at all? (A voice, "do you endorse it?") I will say frankly that I always endorse what is right, and when you find my signature to a paper I will not disavow it. When I put my pen to paper I stand ready to pay all the cost.

Fellow citizens, you have heard the President of the United States read in the presence of the people of New York, within three months of his death by the bullet of an assassin, worse, and through a larger portion of the United States, than Andrew Johnson is now denounced for treason to the Constitution and the Government; and let me ask you this: If, instead of bringing him here in safety to-day, to stand before you and to vindicate, virtually in the presence of the whole American people, his life, his character, and his policy, past, present, and future, he had fallen on the way as Abraham Lincoln did, do you think there is one of you who has reviled him who would not join in his praise, and be as ready to immortalize his fame and glory as you have been to celebrate the virtues of Lincoln? (Cheers.) This is it. The only trouble with a living President is that he lives. The virtue of a dead one is that he is gone, and can be praised with safety by those who were incapable of appreciating his virtues while he lived.

The President has spoken to you upon a topic I have never opened, and I did think that I would never refer to it, and that is, that he is charged, and the members of his Cabinet and political supporters are charged, with deserting their party. The charge is that we have deserted our party, and he has told you, and very properly told you, that it is better in every case to let parties go down the falls than to let the country go to destruction. So it would not be a very serious offense if it had been committed. But he also told you the truth when he said that it is not possible to find a word in the record upon which he was nominated that has been falsified by the record of his executive acts. Did not they declare at Baltimore that the war must be continued until its cause was removed, and the Government triumphant in the restoration of the States? And is not the war ended? Have not the States been restored? And where on earth is the cause of the war? It has gone into the sepulchre of the record of past ages. (Cheers.) But have I deserted my party? Let me call your attention to my record on that subject. If you will look back to the month of October, 1865, you will find there a speech I made you, for when I speak at Auburn I mean to speak to the people of New York, and in that speech I told our whole people that the President of the United States, Andrew Johnson, and I with him, proposed to accept certain conditions and restore the States to their rights as equals in the Union, if they would do these things: First, abolish the rebel debt; second, repeal their ordinances of secession; and third, accept the amendment to

the Constitution of the United States abolishing slavery henceforth and forever. When that was done the Union was to be restored, and every man of you who voted last year to sustain the party which charges me with having deserted it, voted upon that very platform, and approved every pledge I then gave, and every word I uttered. (Cheers.) What did I tell you in the month of May at Auburn, when I saw the party was getting into a contest, and in the month of February, in New York city, at the Cooper Institute? I told you precisely the same, that these were our three conditions; and though heaven and earth shall pass away, yet the word of Andrew Johnson, that the States should be restored upon those conditions, having been pledged, should be fulfilled. (Cheers.) Your members of Congress were asked to vote for it. I tried to save that party from destruction. I showed them the way. It was plain and direct. I was going to use the illustration—perhaps I ought not to—of the traveler who got bewildered on his journey and was shown two roads, one of which led to his destination and the other in the opposite direction, and his decision finally was that he had not good sense enough to take either road; and so it is with Congress. They take neither road. There they are. [Laughter and cheers.]—Where are they? They say we should adhere to party. I have been a party man. I have belonged to three or four parties, and I have been generally considered a very consistent party man, and the enemies of those parties have generally thought me a very effective one. I was never accused of instability. I know, as a party man, that the course of wisdom is to follow the head of the party. But there are a great many who differ from me; and if they think that, instead of following the nominated chosen head of their party, the way to make that party successful is by following the tail, if they are such fools, they must take the consequences. [Cheers.] I will not follow the tail of a party. I am as such fellow. Who is the head of their party in the State of New York? [A voice—"Thad. Stevens."] Laughter and cheers. I ask who is their head in the State of New York? [A voice—"Horace Greeley."] Renewed laughter and cheers. Very well. If I mean to do a party any good I want to make it successful. Now I invite them to put their head man in nomination—and I do not agree with you in your opinion of Mr. Greeley by any means. [Laughter and cheers.] I want them to nominate the man they intend to nominate for Governor of the State of New York to test their principles, and in the election now some six weeks off, if he is not defeated by a majority of forty thousand, do not call me a prophet. [Laughter and cheers.]

Most I desert my course, my government, and my country, to follow a party divided, distracted, weak, imbecile, vacillating and absurd, seeking its own destruction? I have done a very different thing. We set the railway train on the track. The cars were all empty. It was under the guidance of the conductor, Andrew Johnson.—All the privileged seats were offered to this party that complains of "desertion." They were the very first invited to enter, but no, they would not enter. And now, when they see it is fast filling up with outsiders, and is passing by them, they say they have been deserted by the conductor.—[Laughter and cheers.] Now I want to know who is the leader of their party in the United States? There is no party that can exist, stand, and live in the U. S. that does not exist in every part of it, in a state of peace, and not in a revolutionary condition. Who is their leader? [A voice, "Thad. Stevens."] No, they will not accept him as their leader. They offer you no individual name. Their name is "the Congress of the United States," and Congress is a force that exists only until the 4th of March next. Then the party is to have no head whatever, because that Congress, so constituted, is gone, and the next lot will, in all probability, be in direct opposition to it; and I suppose in that event the party will be gone too. [Laughter and cheers.] That is the wisdom of their partisanship.

Why, fellow-citizens, I have known something about what it costs to make a party successful. I have known what it costs to create a party in the United States of America that shall take the control of the Government of the United States. Let me tell you that you are seeing to-day the other and most unpleasant experiment that of a great party that has controlled the destiny and powers of the country and saved it, lying down and destroying itself. That is what they propose to do. I propose to have no lot nor share in that thing, not because it would be personally unwise, but because the country requires your services and mine upon higher principles than the success or durability of any party. [Cheers.]

Fellow-citizens, in this addressing you I have yielded against my judgment to your wish to hear it. I think the President satisfied your ear, and that it is now your eye, filled with the light of joy springing from all your grateful emotions to the army and navy, and then their illustrious representatives, that is waiting to be gratified. You want to see Gen. Grant [cheers], and Admiral Farragut [cheers], and Gen. Custer, and the rest of them, and you are the best behaved people I have seen on this excursion for I have been kindly and partially listened to me before seeing them. [Laughter and cheers.] If you are not satisfied with looking at them, just ask Gen. Grant for a speech and he will give you an eloquent one. [Cheers.]